

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,	§	
Respondent,	§	
	§	CRIM. NO. 4:12-CR-503
v.	§	
	§	CIVIL NO. 4:21-CV-662
JASON DANIEL GANDY,	§	
Movant.	§	

**UNITED STATES' UNOPPOSED MOTION TO CONTINUE
EVIDENTIARY HEARING**

Without opposition from § 2255 movant Jason Daniel Gandy, the United States respectfully requests that this Court continue the evidentiary hearing currently scheduled for September 9, 2021, until a date convenient for this Court during the first week of November 2021.

Undersigned counsel was recently assigned to represent the United States at the evidentiary hearing because the previously assigned AUSA will be out of the office on extended leave. After being assigned to the matter, undersigned counsel began the process to request that Gandy be transported to this District. In light of the date of that request and additional travel precautions being put in place by the Bureau of Prisons because of the recent rise in COVID cases nationwide, it is unlikely that

Gandy could arrive in this District in time for the currently scheduled hearing on September 9.

Undersigned counsel has corresponded with Gandy's current attorney and two of his previous attorneys who the United States intends to call as witnesses at the hearing. Based on those conversations, it appears that both the witnesses and Gandy's current counsel are available during the first week of November, if this Court is available and amenable to scheduling the hearing then. Additionally, resetting the hearing for such a date will ensure adequate time for Gandy to be brought to this District to appear at the hearing.

I have spoken with an attorney from the office representing Gandy in connection with his § 2255 motion who confirmed that he does not object to this request.

Respectfully submitted,

JENNIFER B. LOWERY
ACTING UNITED STATES ATTORNEY

CARMEN CASTILLO MITCHELL
Chief, Appellate Division

By: s/ Jason Smith
JASON SMITH
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CERTIFICATE OF SERVICE

I Assistant United States Attorney Jason Smith certify that a true and correct copy of *United States' Unopposed Motion to Continue Evidentiary Hearing* was electronically filed with the United States District Court for the Southern District of Texas, on August 19, 2021, and served on counsel of record via the Court's ECF system.

/s/ Jason Smith _____
JASON SMITH
Assistant United States Attorney